

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Serial Number: 10/619,060

Filing Date: July 14, 2003

Dkt: 1652.2003-003

Title: Adjustable Angle Coupler for Leaching Chamber Systems**REMARKS**

Claims 1-3, 5-25, and 27-86 are pending in the application, from which the Applicants have elected a species and subspecies. The Office has examined subspecies claims 5, 27, 51, and 70 and their base claims (1, 23, 45, and 47). All claims stand rejected under 35 U.S.C. § 102(e). The rejections are traversed.

The Office has also objected to the specification as having certain informalities. In response the specification has been amended.

Claim Rejections Under § 102

Claims 1, 5, 23, 27, 45, 47, 51, and 70 were rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,120,209 to Evans. The rejections are traversed.

Each rejected claim recites, through its base claim, "a swivel connector for adjusting the angle between the first chamber and the second chamber within a range of angles." (*See* claims 1, 23, 45, and 47.) That limitation corresponds to the elected species. The elected subspecies further limits the claims to a swivel connector having a post member. An embodiment of the species and subspecies is illustrated in FIG. 4 of the application.

In contrast, Evans discusses corrugated pipes that can be used in various applications. FIGs. 15-17, and 33-34 of Evans illustrate such pipes. The pipes include a flange end portion (250) which receives an opposing corrugated end of another pipe. Recessed wall portions (249) of the flange end (250) help interlock the flange end (250) with the received pipe. The pipe can also include a rib (210) running along the length of the pipe to add stiffness against vertical forces. The pipe, however, remains flexible in the horizontal plane (*see* Evans at col. 13, ll. 11-18).

The Office Action asserts that the recessed wall portions (249) and the flange end portion (250) are the claimed adjustment feature and swivel connector, respectively. Those assertions are traversed for at least three reasons.

- 1) Evans does not discuss any ability of the recessed wall portion (249) or the flange end portion (250) to adjust the angle between the mated pipes. There is therefore no support for the assertion that those features teach or suggest the claimed limitations.

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- 2) Evans shows that the flange end portion (250) includes the recessed wall portions (249), not the other way around—as would be required by the applicants' claims ("an adjustment feature including a swivel connector..."). There is therefore no teaching or suggestion in Evans as to the claimed structural relationship between the adjustment feature and the swivel connector.
- 3) Because Evans' pipe is flexible, any adjustment in direction of the joined pipes would be accomplished by bending the pipes themselves, as illustrated by Evans in FIGs. 36, 37, and 39. Note that in those figures, the end flanges (256) are linear. Evans therefore provides no motivation to incorporate a swivel connector in a coupler as claimed by the applicants.

In addition, the Office Action asserts that the structural rib (210) of Evans is a post member as claimed by the applicants in dependent claims. That assertion is also traversed because a longitudinal web is not a post. Furthermore, because each independent claim recites patentable subject matter, each of their dependent claims recites further limiting features and is also patentable.

Because the Office has not established a prima facie rejection of the independent claims under Section 102(e), the claims of the elected species are in condition for allowance. Reconsideration of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

Objections to the Specification

The applicants appreciate the Examiner's help in identifying informalities. The above amendments are believed to cure the objections. No new matter is being introduced.

As for the amendment to page 7, the requested amendment was made in the Amendment filed on February 14, 2005. Because a strikethrough was used, however, the amendment may have been difficult to see. It is now presented using double brackets.

Acceptance is respectfully requested.

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Conclusion

The claims are now believed to be in condition for allowance and notification to that effect is requested. The Examiner is invited to telephone the applicant's attorney (781-239-8131) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3739

Respectfully submitted,

R.D. Johnson & Associates, P.C.


781-239-8131

Date February 13, 2006

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or is being facsimile transmitted to the United States Patent and Trademark Office, on this 13th day of February, 2006.

Rodney D. Johnson
Name


Signature